

Cynthia Murray
48 Echo Avenue
Corte Madera, CA 94925

November 10, 2004

Ms. Cher Daniels
Supervising Environmental Planner
California Department of Corrections
Facilities Management Division

Dear Ms. Daniels:

I strongly urge you to consider alternative plans to the proposed expansion of San Quentin. The plans, as they exist, are not the long-term solution to housing the condemned inmate population of California, as maximum capacity of the facility would be reached in 20 years. I strongly believe that this issue needs further analysis to determine if the estimated costs are realistic, and if a better option for utilization of this magnificent space exists.

The current site would be best utilized if it were dedicated to improve the quality of life for all residents in Marin. A transit hub, open park areas and residential housing would help alleviate traffic congestion in Marin, provide much-needed affordable housing, and allow members of the community to enjoy the scenic bayside location currently occupied by a correctional facility. Additionally, such a development would not consume the valuable water resources currently needed to maintain the prison (and considerably more if the new prison construction were to occur). I am also extremely concerned about the electrocution of birds and animals by the lethal wiring that would surround the prison site, as well as the visual impact of expanded prison facilities.

Alternatively, if this direction is somehow cost-prohibitive, a mixed-use area should be considered. If the condemned inmate population was re-located to another facility, such as Sacramento, the existing structures at San Quentin could house minimum security inmates, providing access to valuable community resources, while greatly expanding the usefulness of this prime real estate to benefit the entire community of Marin. A transit hub, along with residential units and open space are all desperately needed in a county where traffic congestion is already an issue, housing costs are astronomical, and bayside open space is scarce. This location would be ideal for such a project.

Sincerely,

Cynthia Murray

Letter 57

Cynthia Murray
November 10, 2004

- 57-1** The comment states that alternative plans to the expansion of SQSP should be considered and expresses opposition to the project. This comment is acknowledged. Please refer to Master Response 1.

November 10, 2004

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

Ms. Cher Daniels
Supervising Environmental Planner
Department of Corrections
Box 942883
Sacramento, CA 94823-0001

Assemblyman Joe Nation
6th District
3501 Civic Center Drive, Suite 412
San Rafael, CA 94903

Dear Governor Schwarzenegger, Ms Daniels, and Assemblyman Nation,

I am writing in opposition to the expansion of San Quentin Prison in Marin County.

I oppose expansion because of the visual impact, as well as the impacts of additional traffic and water usage, and because of the cost to run San Quentin and import additional manpower from other counties.

I feel studies should be made regarding expansion elsewhere. In fact, I believe San Quentin should be moved completely out of Marin. I understand the former Chief of Corrections was in favor of that. The cost to move it would probably be offset over the years by a savings on the cost to run it elsewhere. I understand it is the most costly prison in the state. Inmates deserve decent housing, but not at the present location, from which they derive little benefit and which is a highly visible detractor from the beauty of the surrounding area.

Sincerely,



Nancy Wayne Hoffer
14 Sir Francis Drake Blvd.
Box 517
Ross, CA 94957

Letter 58

Nancy Wayne Holter
November 10, 2004

58-1 The comment states that SQSP should be moved outside Marin County and expresses opposition to the project. This comment is acknowledged. Please refer to Master Response 1.

RECEIVED

NOV 15 2004

CEQA Compliance

November 10, 2004

Cher Daniels, Environmental Planning
California Department of Corrections
POB 942883
Sacramento, CA 94283-0001

Dear Ms. Daniels,

I would like to take this opportunity to comment on the proposed Death Row expansion of San Quentin Prison.

I support a modified version of the present plan, which would incorporate recent public forum input clamoring for a more visually pleasing, environmentally friendly design.

While no one in their right mind would say that an expansion of a death row facility within existing prison grounds is a welcome addition to the community, it seems to me that it is still better than the visualized alternative: a big money real estate developer's dream town on the same site.

It is absurd to forward the idea that a high-density town on the present San Quentin property would be a plus for Marin, regardless of how it is colored (i.e., affordable housing opportunity site, central transportation hub, etc.). The property is adjacent to Richmond Bridge access and would bring maddening new levels of traffic congestion to central Marin.

If anything other than a prison is to be on the site, it should be dedicated park or open space!

Sincerely,



Peter Hensel
138 Willow Ave.
Corte Madera, CA 94925

Letter 59

Peter Hensel
November 10, 2004

- 59-1** The comment expresses support for the project with incorporation of additional visual mitigation. This comment is acknowledged. Please refer to Master Response 2.

From: <BOOWHUP@aol.com>
To: <SQSPDEIRcomments@edaw.com>
Date: Thu, Nov 11, 2004 1:50 AM
Subject: San Quentin

Please stop the expansion of San Quentin.
Marje Helfet
109 Oak Ave
Kentfield, CA 94904

Letter 60

Marje Helfet
November 11, 2004

60-1 The comment expresses opposition to the project. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.

From: Wendy Robinow <wrobinow@comcast.net>
To: <SQSPDEIRComments@edaw.com>
Date: Thu, Nov 11, 2004 12:55 PM
Subject: San Quentin EIR

Unfortunately the San Quentin EIR is not forward-thinking and does not consider that the new CIC would be filled to capacity in 20 years--creating further expansion plans and additional impact on the surrounding area. It precludes any long range planning for the region for re-use of the site for positive economic, social and transportation needs. A shared use of the site for local or regional purposes while maintaining the original prison, a reduced and more secure Death Row and Execution Chamber was not addressed. The option of long-term housing of the majority of Death Row inmates should have been considered for current and new Level 4 prisons across the state instead of siting a "concentration camp" prison complex on the shoreline of a unique regional resource.

I hope that you take these comments under consideration before determining next steps.

Sincerely,
Wendy Robinow
Corte Madera, CA

Letter 61

Wendy Robinow
November 11, 2004

- 61-1** The comment states that the Draft EIR does not consider reuse of the project site. Please refer to Master Response 1.
- 61-2** The comment states that the Draft EIR did not address an alternative that provides for the shared use of the project site or a reduced-size project. Please refer to Master Response 1 and response to comment 15-2.
- 61-3** The comment states that the Draft EIR should consider long-term housing of inmates. It appears that the comment is implying that condemned inmates should be housed with Level 4 inmates across the state (although the comment is unclear on this point). Condemned inmates are a separate classification of inmates that require special housing, based on the requirements of the California Penal Code and the Thompson Decree (please refer to Section 3.5.2 of the Draft EIR for further discussion). Because of their high security risks, condemned inmates cannot be housed with other inmates and thus require housing facilities that segregate them from other populations of inmates. CDC is also required by the California Penal Code to house all condemned inmates at SQSP (with few exceptions; see footnote 1 on page 3-2 of the Draft EIR). Consequently, it is not feasible to house condemned inmates with other Level 4 inmates throughout the state. Please refer also to Master Response 1.
- 61-4** The comment concludes the letter. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.

From: "Brookie King" <bking90@pacbell.net>
To: <SQSPDEIRcomments@edaw.com>
Date: Thu, Nov 11, 2004 3:12 PM
Subject: San Quentin

Dear Mr. Daniels,

The expansion of San Quentin prison must STOP! Why is it that the needs of local taxpayers, who are law abiding citizens being put behind those of convicted criminals??

To develop that property commercially would put additional strain on an already heavily congested traffic area. Just the development alone would be a nightmare, with extra people and vehicles working at San Quentin! And following completion of such expansion, additional employees working there would be coming from out of the area, as they could not afford to live in Marin--so congestion would continue.

Environmentally, the Corte Madera Marsh is a sensitive area and to have additional people and equipment there would certainly be detrimental to the marsh. The high power lighting alone would be offensive to any one or living thing within a very wide area.

I understand that San Quentin is the most expensive prison in the state to run and uses the most water. It makes no sense to spend millions of dollars on a prison that is outdated and on too small a space for the current needs. An alternative location needs to be found!

I urge you to look further north to a less congested area that would provide less of an impact on the environment. There would be a more jobs and affordable housing for those involved with the project, both ongoing and upon completion of the prison.

It is imperative that this expansion be stopped!!

Most sincerely,
Margaret King

Letter 62

Margaret King
November 11, 2004

62-1 The comment expresses opposition to the project and states that SQSP should be located at an alternate location. Please refer to Master Response 1.

From: "David Kunhardt" <davidkunhardt@comcast.net>
To: <SQSPDEIRComments@edaw.com>
Date: Thu, Nov 11, 2004 11:11 PM
Subject: San Quentin Expansion - Christmas Tree Hilldwellers Association Comment

Christmas Tree Hilldwellers Association
P.O. Box 7084
Corte Madera, CA 94925-7084

11 November 2004

Cher Daniels
Supervising Environmental Planner
Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001
SQSPDEIRComments@edaw.com

RE: San Quentin Expansion

Dear Ms. Daniels:

We are an association of owners and renters of 275 homes on "Christmas Tree Hill" in Corte Madera, many of which look over upon San Quentin Peninsula and the prison. Please accept these comments on the EIR prepared for the proposed greatly expanded "condemned inmate complex" at San Quentin.

1. The EIR does not consider the negative view impacts of the project on our hillside homes. From the perspective of most of the residents of our Hill, the proposed project would approximately double the visual extent of prison buildings, fencing, and lights. These represent very deleterious impacts.
2. As taxpayers, we are also concerned that the Department of Corrections has not considered any other alternatives, which the State Auditor has deemed very likely to be less expensive than construction, renovation and operation of the facilities at San Quentin.
3. There are many alternatives, including doing no new construction, or less new construction, that would be more desirable than the 618,000 square foot expansion proposed in the EIR, that are not fully evaluated.

Please incorporate these thoughts among the comments to be addressed by the Department of Corrections.

Thank you for your attention,

David W. Kunhardt

David W. Kunhardt
Chair, New Developments Committee
davidkunhardt@comcast.net

cc: Will Robberts, President, CTHA
Melissa Gill, Town Council Member
Carla Condon, Town Council Member
Jay Tashiro, Town Manager
Robert Pendoley, Planner

CC: <RPendoley@ci.corte-madera.ca.us>, "Will A Robberts" <will@livenote.com>, "Thomas Kunhardt (E-mail)" <kunhardt@kodak.com>, "Nicole Litchfield" <nicole@bioscribe.com>, "Michael Harlock" <harlockfitzsimmons@msn.com>, <melissa.gill@marcheseco.com>, "kay Keohane" <jkeohane2328@comcast.net>, "Joy Simmonds" <Joy@simmonds.com>, "David Kunhardt" <davidkunhardt@comcast.net>, "David Johnson" <johnson@studiosarch.com>, "Bill David Moore" <billdavidmoore@attbi.com>, "Robert Lafore" <lafore@earthlink.net>, "Carla Condon" <Condon94925@yahoo.com>, "Jay Tashiro" <jtashiro@ci.corte-madera.ca.us>

Letter 63

David Kunhardt
November 11, 2004

- 63-1** The comment states that the Draft EIR does not consider view impacts from their homes in hillside areas of Corte Madera. Please refer to Master Response 2.
- 63-2** The comment expresses concern regarding the alternatives considered in the Draft EIR. Please refer to Master Response 1. Because no specific issues pertaining to the analysis are identified, no further response can be provided.
- 63-3** The comment states that the alternatives presented in the Draft EIR are not fully evaluated but does not provide any specifics as to why the analysis is inadequate. Please refer to Master Response 1.

From: "Kay Keohane" <jkeohane2328@comcast.net>
To: <SQSPDEIRcomments@edaw.com>
Date: Fri, Nov 12, 2004 12:54 AM
Subject: San Quentin Expansion

11 November 2004

Cher Daniels

Supervising Environmental Planner

Department of Corrections

P.O. Box 942883

Sacramento, CA 94283-0001

<mailto:SQSPDEIRComments@edaw.com> SQSPDEIRComments@edaw.com

RE: San Quentin Expansion

Dear Ms. Daniels:

1. We live directly across the Bay from San Quentin and the EIR does not consider the negative view impacts of the project on our homes. From the perspective of most of the residents East Corte Madera, the proposed project would approximately double the visual extent of prison buildings, fencing, and lights. These represent very significant and negative impacts.

2. As a taxpayer, I am also very concerned that the Department of Corrections has not considered any other alternatives, which the State Auditor has deemed very likely to be less expensive than construction, renovation and operation of the facilities at San Quentin.

3. There are many alternatives, including doing no new construction, or less new construction, that would be more desirable than the 618,000 square foot expansion proposed in the EIR, that are not fully evaluated.

Please incorporate these thoughts among the comments to be addressed by the Department of Corrections.

Thank you for your attention,

Kay Keohane

5164 Paradise Drive

Corte Madera, CA 94925

Letter 64

Kay Keohane
November 12, 2004

- 64-1** The comment states that the Draft EIR does not consider view impacts from their homes in hillside areas of Corte Madera. Please refer to Master Response 2.
- 64-2** The comment expresses concern regarding the alternatives considered in the Draft EIR. Please refer to Master Response 1. Because no specific issues pertaining to the analysis are identified, no further response can be provided.
- 64-3** The comment states that the alternatives presented in the Draft EIR are not fully evaluated, but does not provide any specifics as to why the analysis is inadequate. Please refer to Master Response 1. Because no specific issues pertaining to the analysis are identified, no further response can be provided.

Matthes, Jessica

From: Glenda Griffith [glenda@meadowsweet-dairy.com]
Sent: Friday, November 12, 2004 1:37 AM
To: SQSPDEIRcomments@edaw.com
Subject: Expansion of San Quentin

This is a copy of the letter I wrote Governor Schwarzenegger. It has many points that address issues I have with the EIR. Please consider it in your revisions.

Thank you.
Glenda Griffith

133 Greenbrae Boardwalk
Greenbrae, CA 94904
11 November 2004

Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814

RE: San Quentin Expansion

Dear Governor Schwarzenegger,

I am one of the people who helped elect you as governor. I am writing to urge you to reconsider the expansion of San Quentin. The project will be very expensive and in the long run it will not solve the problems you seek to address. The property is very valuable and I believe could best be used as a transportation hub for southern Marin. This sort of project would be a legacy from your term as governor. Expanding San Quentin's death row when the rest of the facility is in such poor condition will only lead to the necessity of spending more money to make the prison safe and humane. San Quentin costs about 10 million more to run per year than comparable facilities elsewhere in the state. I know the lawyers and prison guards exert tremendous pressure on you to satisfy their desires. I know they supported you in your election, but so did the other citizens of this county who are directly affected by this misguided expansion plan.

This plan will have many adverse affects on our community. We have traffic issues that will be exacerbated when the employees of the prison who have inhabited the on-site affordable prison housing must relocate due to the destruction of their homes. This area is an international flyway for migrating hawks that will be electrocuted if they land on the fencing. How does one mitigate for dead hawks? This is especially disturbing in light of recent studies that show a 30% decline in U.S. bird populations in recent years. I am a member of the neighborhood known as the Greenbrae Boardwalk that is a short paddle away from the prison. We can hear the loudspeakers in the yard at times and our view is the architecturally interesting prison and the bucolic Dairy hill. If you take the hill away, install prison camp housing and flood the area with light 24 hours a day, 365 days a year, we will definitely be adversely affected and our property values will drop. Also affected by the light will be nesting birds at the Corte Madera Ecological Preserve that adjoins our community, traffic on Sir Francis Drake Blvd. and ferry traffic which must be able to see rowers from the nationally rated, gold medal winning Marin Rowing Association which trains in the bay every morning. There is also the issue of marsh erosion in the Corte Madera Ecological preserve due to ferry wakes from the existing Larkspur ferry and the costs of keeping the shallow ferry harbor dredged. These problems would be eliminated if the ferry were relocated to the deep harbor available at Point San Quentin.

I know you are concerned about unsafe conditions for the guards on Death Row and need more humane conditions for the prisoners but this expansion project is not the best plan. Please reconsider. Listen to people who know the lay

of the land here and who are familiar with community issues. This expansion will create the need to refurbish all of San Quentin and will be a never-ending financial nightmare for your administration. Be courageous, think outside the box. San Quentin point is the sensible location for a transportation hub that could link light rail, bus and ferry services for Marin, Santa Rosa and the Wine country to San Francisco. This would be a visionary move on your part, doing more to alleviate traffic congestion than any other plan possible. Please help us move into the future with a sustainable plan of action for this property. You claim to be a man of vision. We need you now.
Thank you for your consideration.
Sincerely yours,

Glenda Griffith

Letter 65

Glenda Griffith
November 12, 2004

- 65-1** The comment expresses opposition to the project. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.
- 65-2** The comment states that the project would exacerbate existing traffic problems. This comment is acknowledged. Because no specific issues pertaining to the analysis are identified, no further response can be provided.
- 65-3** The comment questions how the project would mitigate for birds (specifically hawks) electrocuted by the electrified fence. The Draft EIR evaluated the project's potential biological resource impacts resulting from the installation and operation of an electrified fence in Section 4.3.3 ("Biological Resources"). As described therein, the project would result in the death of an undetermined number of animals, the large majority of which would be birds and concluded that this impact would be significant. Mitigation recommended in the Draft EIR (Mitigation Measure 4.3-c, page 4.3-13) would require CDC to consult with the U.S. Fish and Wildlife Service and California Department of Fish and Game to refine plans to minimize wildlife electrocutions. This plan consists of a three-tiered mitigation approach that minimizes and mitigates impacts to wildlife species at risk of electrocution. Please refer to page 4.3-13 for a more detailed discussion of this mitigation approach.
- 65-4** The comment expresses concern that the project would result in a decrease in their property values. This comment is acknowledged. Although property values are very important, the effect of increasing or decreasing property values is not considered an environmental impact under CEQA; rather it is an economic impact of the project. As discussed in Section 15131 (a) of the State CEQA Guidelines, "economic or social effects of a project shall not be treated as significant effects on the environment." Therefore, the economic impacts of the project were not discussed in the Draft EIR.
- 65-5** The comment states that project lighting would affect nesting birds in the Corte Madera Ecological Preserve. Please see response to comment 9-42.
- 65-6** The comment states that existing erosion and wave hazards associated with ferry operations would be eliminated if the ferry relocated to the harbor of SQSP. This comment is not relevant to the environmental impacts of the project. Also, please see Master Response 1.
- 65-7** The comment expresses opposition to the project. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.

Matthes, Jessica

From: Marjorie and Steve Shank [marjorie@shank.net]
Sent: Friday, November 12, 2004 9:44 AM
To: SQSPDEIRComments@edaw.com
Subject: San Quentin Comments

To: Ms. Cher Daniels
Supervising Environmental Planner
California Department of Corrections
Facilities Management Division
(916) 323-0731

I have lived in Marin County since 1979. I don't know if it made sense to have built the San Quentin prison in the first place, but it certainly is grossly out of place now. I know of no one in Marin who wants the prison to remain. Here are my reasons why it should be relocated instead of rebuilt:

1. Marin is a residential community with expensive real estate due to the lack of space for housing. The location is ideal for housing with its central Marin location and proximity to the East Bay, San Francisco and Sonoma County. It also has ideal weather and fabulous views.
2. The prison is not the "highest and best" use of the land. The state could sell the property and use the funds to build a new prison. It makes no economic sense to invest money in the present location -- money that the state does not have without issuing bonds, raising taxes or cutting other programs.
3. I understand the employees live outside the area and commute. So, presumably, a new location shouldn't be an issue for them.

Thank-you,

Steve and Marjorie Shank
337 Lowell Avenue
Mill Valley, CA 94941-3845
Home: 415-389-6382
Work: 415-383-4800

Letter 66

Steve and Marjorie Shank
November 12, 2004

66-1 The comment expresses opposition to the project. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.

MARGARET KETTUNEN ZEGART
118 Highland Lane
Mill Valley, CA 94941

November 12, 2004

Cher Daniels, Environmental Planner
Department of Corrections
Box 942883
Sacramento, CA 942883
SOSPDEIRcomments@edaw.com

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Dear Ms. Daniels:

The summary on page 1-3, and section 7 -1 & 2 for Environmentally superior Alternatives indicates that upon the political decision of CPC #3600 and 3603 there was little or no considered alternative to their mandate that all male condemned inmates be housed at San Quentin. Since legislative leadership propelling this shall retire as of January 1, Authorizing the unwise approval of \$220 million for this Marin County extraordinary expansion project, former Governor Gray Davis was removed from office by special vote by a large majority of Californians, in large part because of unwise fiscal "arrangements". Bias and inappropriate actions of correctional officers and their organizations lobby is being studied. This decision does not seem to many to be a clear mandate for only the site of San Quentin for expansion. Nor is this wise.

There should be alternatives sites explored in other more appropriate sections of California that would welcome this prison,. Benefits could enhance other areas with low socio economic opportunities, raise income levels, reduce subsidence benefits paid by California for those residents, and in communities such as happened in Del Norte County, for example. By having other prison sites considered there, cultural and economic upgrading of an entire county and Crescent City gave opportunities for citizens there who suffer because of loss of lumbering, agricultural and mining decline.

There needs to be an analysis for alternatives on this site, especially of the favored by Marin same size facility incorporated *Vision* document for San Quentin land. Sale of this land, as surplus property, a policy encouraged by Governor Arnold Schwarznegger and ensuing

construction and yearly operating costs would benefit the current deficit and future for many with social and educational services for the entire California population.

In addition to employment opportunities and added economic benefits of an increasing servicing population, significant savings would be made. Extraordinary bonuses and enhancement stipends for the long commute for apparently 40% of employees, unable to financial find rental housing or to purchase homes in this often noted with the highest cost of living county in the United States. No comparative analysis year is made in the document differential between yearly employment costs, the currently estimated \$337 million shortfall for building costs from the \$220 million authorized of tax payers monies.

An auditor's report of the comparative sums spent for this "new" San Quentin or an extended facility, perhaps in Folsom, or ideally with area and low costs of land . the difference of construction costs and salaries, and the yearly increased living costs for employees, for delivery of services and food and housing / transportation expenditures and retraining costs for employee turnover [extraordinary distances between their homes and San Quentin},

"Essential services including Public Law Office and other legal services are well established in the Bay Area." However, geographic site limitation is no longer a criteria since communication by e-mail / internet conferencing and assessments [as well as communications between families and prisoners] no longer is a reason to only site this facility expansion in Marin County. This is not a valid reason for a continuing drain on tax-payers when the extra funding could be used for programs of rehabilitation / educational opportunities and correctional post prison term parolee programs and realistic employment placements.

Other alternatives must be considered in detail in order to have this be a satisfactory document.

Also, as stated, within the parameters of CEQA, CDC is required to valuate other alternatives that could reduce the significant adverse impacts, which could include alternative locations or designs. This has not been done.

No small on site housing, is provided for employees or the benefits of a same size and feasible – with transitional opportunities and the model of volunteer participation that Marin County residents provide because of the past philosophy change of penal punishment rather than rehabilitation. This program is a touted model by its participants but it is a one site solution to a

statewide correctional program that could follow ideal programs in other states – and European countries.

Degradation of circulation – increased numbers for employees and visitors on the already critical Sir Frances Drake, Richmond Bridge and Contra Costa and even 101 for Sonoma will be adversely impacted . High fuel costs, reduced public transit – and of course, the loss of the projected transportation elements in the *Vision* document for Marin's / Sonoma and San Quentin's and East Bay improvements. Regional serving water transit, SMART train and commuter connecting shuttles would relieve Golden Gate Bridge and San Francisco and other communities currently delayed traffic. Tourist industry and hotel and restaurant facilities as well as the park systems depend upon the projected congestion management – of which the "new" San Quentin is a component.

No analysis was made of this use of San Quentin lands – with the same population size rehabilitation component.

The proposed facility, the adverse impact is horrifying of even the renderings upon shoreline, its density, blunt industrial façade, community shoreline access, distance visualizations of unsatisfactory bulk and mass, and night and high wire fencing, and night lighting impacts on wildlife. Electric fences are a disaster for Marin's migrating bird Bay and habitat for resident bird population success. This is the wrong site for this prison for 1,400 inmates.

California Scenic Highway program standards are important to preserve and this section of Sir Frances Drake should be a part of this program. Recreational uses along this section of the Bay would be eliminated and the skyline is compromised in many ways – and the historic restoration and consistency of building expansion is not recognized. Mitigations are not provided for adverse circulation, visual impacts, and prison mass and bulk.

Safe housing and good prison conditions should be in an other area. The *Vision* alternative, which was developed carefully and in depth in the past several years, should be the State preferred alternative with another site for 800 more and increased site opportunities for future expansion for that condemned inmate complex.

Please, an analysis of this planned construction to meet the standards of the Marin County Plan, just presently revised in Draft context. The same values and restrictions must apply to this site as to all others.

Thank you and sincerely,

Margaret Kettner Ziegler

Letter 67

Margaret Kettunen Zegart
November 12, 2004

- 67-1** The comment discusses legislation authorizing the project. Because no specific issues pertaining to the analysis are identified, no further response can be provided.
- 67-2** The comment states that the Draft EIR should evaluate alternative sites for the project. Please refer to Master Response 1.
- 67-3** The comment states that the Draft EIR should evaluate alternative uses for the SQSP site, namely implementation of the San Quentin Vision Plan. Please refer to Master Response 1 and response to comment 9-22.
- 67-4** The comment states that proximity to legal services is not a reason to site the facility in Marin County. This comment is acknowledged. Please refer to response to comment 9-16 and Master Response 1.
- 67-5** The comment states that the Draft EIR has not evaluated other alternatives that could reduce the project's significant environmental impacts. CDC disagrees. Please refer to Master Response 1. Because the comment did not identify a specific alternative that should be evaluated, no further response can be provided.
- 67-6** The comment states that the project does not provide on-site housing for prison employees. The comment is correct, no employee housing would be provided with implementation of the project. Because no specific issues pertaining to the analysis are identified, no further response can be provided.
- 67-7** The comment makes a statement regarding traffic impacts along Sir Frances Drake Boulevard, Richmond Bridge, Contra Costa, and Highway 101. Because no specific issues pertaining to the analysis are identified, no further response can be provided.
- 67-8** The comment requests consideration of an alternative use of the site. Please refer to Master Response 1.
- 67-9** The comment expresses opposition to the project. This comment is acknowledged. Because no specific issues pertaining to the analysis are identified, no further response can be provided.
- 67-10** The comment states that the section of Sir Francis Drake near the project site should be part of the California Scenic Highway Program. This comment is acknowledged. No further response is necessary as no issues related to the environmental impacts of the project were raised.
- 67-11** The comment states that the Draft EIR does not provide mitigation for significant circulation and visual impacts. CDC disagrees. Section 4.1, "Visual Resources," and 4.12, "Transportation," evaluated the project's visual and transportation impacts, respectively. Within each of those sections, mitigation was recommended for the project's significant environmental impacts. Please refer to Section 4.1.4 ("Visual"), and 4.12.4 ("Transportation") for a discussion of the project visual and transportation mitigation. Please also refer to Master Response 2.

- 67-12** The comment states that the San Quentin Vision Plan should be the preferred alternative. Please refer to Master Response 1.
- 67-13** The comment states that the project should meet the standards of the Draft Marin Countywide Plan. Please refer to response to comment 9-6 and Master Response 1.

November 12, 2004

Cher Daniels
Supervising Environmental Planner
Department of Corrections
P.O. Box 942883
Sacramento, CA 94283-0001

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NOV 15 2004
CEQA Compliance

Also by email to: SQSPDEIRComments@edaw.com

RE: Draft Environmental Impact Report for a Proposed Condemned Inmate Complex at San Quentin State Prison.

Dear Ms. Daniels:

This is to provide my comments on the Draft Environmental Impact Report ("DEIR" or the "Report") for a Proposed Condemned Inmate Complex at San Quentin State Prison (the "Project"). While the cover letter to the DEIR dated September 27, 2004 states that public comments were to be postmarked by November 11, 2004, at the hearing on November 4, 2004 it was pointed out that the 11th was a legal holiday, and that therefore the comment period would be extended to November 12.

My comments are restricted to the legal adequacy of the Report pursuant to the California Environmental Quality Act of 1970 (hereafter "CEQA" or the "Act"), California Public Resources Code (hereafter "PRC") §21000 *et seq.*, and implementing regulations set forth in 3 Calif. Code of Regulations §200 *et seq.*

For purposes of PRC §21177, this correspondence is deemed to incorporate by reference, and does expressly incorporate as if said comments were fully set forth herein, any and all such other public comments as may be submitted to the Department of Corrections by entities or persons other than the undersigned, including but not limited to the following:

- City of Larkspur and its agencies
- City of Corte Madera and its agencies
- City of San Rafael and its agencies
- Marin County Board of Supervisors
- County of Marin and its agencies

I also incorporate—acknowledging in the process the likely procedural inapplicability of the document within the present context—the State Auditor's Report on the Project, dated March 16, 2004 (the "Auditor's Report").

I. Applicable Law

California Public Resources Code ("PRC") §211000 requires 'a detailed statement' setting forth the following:

- (a) The significant environmental effects of the proposed project.
- (b) Any significant environmental effects which cannot be avoided if the project is implemented.
- (c) Mitigation measures proposed to minimize the significant environmental effects including, but not limited to, measures to reduce wasteful, inefficient, and unnecessary consumption of energy.
- (d) Alternatives to the proposed project.
- (e) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity.
- (f) Any significant irreversible environmental changes which would be involved in the proposed project should it be implemented.
- (g) The growth-inducing impact of the proposed project.

The report must also briefly state the reasons for determining that various effects of a project are not significant, and thus have not been discussed in detail in the report. (PRC §21100.)

It is correct that "[e]conomic and social changes resulting from a project are not treated as significant environmental effects." (*San Franciscans for Reasonable Growth v. San Francisco* (1989) 209 C.A.3d 1502, 1516, 258 C.R. 267. Nonetheless, in the present instance the economic and social issues raised are potentially substantial, and CDC, as a responsible public agency in *any* event, should analyze these issues.

II. Mitigation Measures

The Report does not comply with the statutory requirements for addressing mitigation issues. Section 21081.6 of the Act states:

A public agency shall provide that measures to mitigate or avoid significant effects on the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design." (§ 21081.6, subd. (b).) In the context of

this statute, to incorporate mitigation measures into a project means to amend the project so that the mitigation measures necessarily will be implemented, such as by reducing the scope of the project or requiring that mitigation measures be implemented as a condition of the project. (See Guidelines, § 15126.4, subd. (a)(1)(A), and former § 15126, subd. (c), both distinguishing mitigation measures proposed by the project proponent from those "required as conditions of approving the project.")

The Report's sections on possible mitigation—most significantly in the viewshed issues—are incomplete.

(Furthermore, the impact analysis itself is also terminally flawed as it ignores the fact that the Project is ringed on two sides by elevated settings which were not looked, and by other urban areas in the East Bay and Southern Marin, that were also ignored. Anecdotally, the undersigned has been informed that private pilots use enormous candle power generated by states prisons elsewhere in California as navigation beacons. How a new death row would escape this collateral use remains a mystery, and if it wouldn't, then the viewshed analysis requires substantially more attention.)

After finding a number of non-mitigable significant impacts, the Report abandons the exercise and fails to follow up its analysis. Moreover, and more appropriately within the spirit and letter of §21081.6 as quoted above, even those "significant impacts" which the Report concludes may be mitigable are not fully analyzed or explored as required by §21801.6.

Thus, the provisions in the Report pertaining to mitigation issues is inadequate.

III. Coordination with Other Governmental Bodies and Agencies

CEQA requires consideration of, and coordination with, municipalities, local agencies, and master and other zoning or planning documents in force.

At Section 4.1.2, 4.4 and 5.2 the Report discusses the Project's potential impact upon a number of related and unrelated programs, including:

- California Scenic Highway Program
- San Francisco Bay Plan—SFB CDC
- Marin Countywide Plan of 1994
- City of San Rafael General Plan of 1998
- City of Larkspur General Plan of 1990
- City of Corte Madera General Plan of 1989
- The Federal Coastal Management Act (CZMA) Coastal Zone Management Act Of 1972

- BCDC Regulations and Guidelines

While the Report purports to perform an analysis of some of these issues, its primary and predominant approach is to brush the conflicting body of regulations aside by concluding either that the plan or regulatory scheme in question doesn't "mention" San Quentin by name, or that the scheme doesn't apply to SQSP. No further analysis is provided. In some instances, the Report merely describes the code or scheme in question, and then drops off completely as if the author forgot to finish. (DEIR 4.4)

But these legal conclusions are unsupported by the Report, and, if correct, nearly obviate the requirement that an EIR be prepared in the first instance.

Amazingly, after failing to complete the analysis, or merely providing palliatives in the form of claimed exemptions, the Report concludes that there will be "Less than Significant Impacts" on:

- Adjacent Land Uses
- State and Local Plans and Policies
- Habitat Conservation Plans

Much of the support for these conclusions comes in the form of statements that these bodies of regulations don't apply to CDC. But that misses the point: That being that these agencies, local, state and federal, have all at one time or another performed the very sort of environmental impact that this DEIR should be performing in order to arrive at their conclusions. Whether these were under NEPA, CEQA, some other body of law or simply good government and common sense, these conclusions and policies embodied in those rules and policies are what others have found the area requires.

Rather than dismissing these as "inapplicable" or concluding without comment or discussion that, as an instrumentality of the State of California CDC is exempted from having to comply with these, the Report and its lead agency should be *leaping* at the opportunity to demonstrate compliance with all of the wisdom, rulemaking and policy/political hand wringing performed by its predecessors. In other words, while those local rules and policies may not be dispositive of CDC's responsibilities as lead agency for this Project, they are most certainly probative on the range of issues that ought to be considered.

The Report also fails to place itself within the context of a long term Department of Corrections Plan, either for the San Quentin site itself or for the CDC's entire network of facilities. As one observer at the November 4 hearing pointed out, this project is analogous to putting frosting on a stale cake. What are the CDC's plans for the San Quentin facility as a whole in the coming decades?

These issues need to be addressed in the EIR. Their omission renders the Report inadequate and the abbreviated analysis of the other state and local plans and policies further renders this section of the Report inadequate.

IV. Analysis of Alternatives

The Act requires that the Lead Agency engage in meaningful review and analysis of alternatives.

This requirement has been misapplied in some of the political rhetoric leading up to the present moment, but for *strictly legal* purposes, the requirement is best summarized as follows:

Consideration of alternatives is required by CEQA. The range of alternatives is governed by the "rule of reason," which requires only an analysis of those alternatives necessary to permit a reasoned choice. An EIR need not consider an alternative, the effect of which cannot be reasonably ascertained and the implementation of which is remote and speculative. "The statute does not demand what is not realistically possible given the limitation of time, energy, and funds. 'Crystal ball' inquiry is not required.... An agency need not devote itself to an extended discussion of the environmental impact of alternatives remote from reality such as those which are of speculative feasibility...." (*Residents Ad Hoc Stadium Com. v. Board of Trustees* (1979) 89 Cal.App.3d 274, 286-287, 152 Cal.Rptr. 585.), as quoted in *Citizens of Goleta Valley v. Board of Supervisors* (1988) 243 Cal.Rptr. 339.¹

The Report contains no meaningful discussion of alternatives. Economic, environmental, social, legislative or otherwise. While it is a given that the current population of SQ death row are over due for facilities relief, there is no comprehensive analysis anywhere that supports the conclusion that the present plan is the best plan, for CDC, Marin County, the greater Bay Area or the State of California. The economic analysis in the Report is incomplete and not fully informed. As such, its conclusions are suspect at the very least, and no doubt further analysis will demonstrate them to be erroneous.

The lack of analysis of alternatives was clearly and forcefully hammered home in the State Auditor's Report of March 16, 2004, incorporated herein by reference, and mentioned by some individuals at the November 4, 2004 Public Comment Hearing.

V. Determination of "No significant impact"

A report must contain reasons for a determination that a project, or any of its effects, will not significantly affect the environment. (PRC §§21080(c), 21100; see PRC

¹ The Regulation interpreting this requirement is

§15126. Consideration and Discussion of Environmental Impacts.

All phases of a project must be considered when evaluating its impact on the environment: planning, acquisition, development, and operation. The subjects listed below shall be discussed as directed in Sections 15126.2, 15126.4 and 15126.6, preferably in separate sections or paragraphs of the EIR. If they are not discussed separately, the EIR shall include a table showing where each of the subjects is discussed.

(a) Significant Environmental Effects of the Proposed Project.

(b) Significant Environmental Effects Which Cannot be Avoided if the Proposed Project is Implemented.

(c) Significant Irreversible Environmental Changes Which Would be Involved in the Proposed Project Should it be Implemented.

(d) Growth-Inducing Impact of the Proposed Project.

(e) The Mitigation Measures Proposed to Minimize the Significant Effects.

(f) Alternatives to the Proposed Project.

§21064 [defining 'negative declaration'].) (For a discussion of the 1976 amendments, see 8 Pacific L. J. 367.)

The Report concludes that a number of environmental impacts are not "significant" and thus abandons further analysis. These conclusions are not supported with statutorily adequate reasoning, and given the magnitude of the Project and its history and its likely impact on future generations of Californians, further development of these specific reasons seems called for.

The determinations of "no significant impact" set forth in Section 2.4 of the Report are conclusory, unsupported and inadequate.

Moreover, while the photographs of the Project—current and simulated—are interesting and discussion provoking, the Report contains no acknowledgement that San Quentin State Prison is visible night and day from numerous elevated points in the Bay Area—not just Marin—although a drive or hike to the East Peak of Mt. Tamalpais, Mt. Baldy, Ring Mountain or any of a number of other local elevated hiking spots would be illuminating (pun not intended but acknowledged). The Report should follow up with these further vantage points and it would soon be discovered that the present site itself—without the additions—is already woefully and irremediably violative of the local viewshed.

The impact on the viewshed is critical and under-analyzed. (Any substantial negative effect of a project on view and other features of beauty could constitute a significant environmental impact under CEQA. Ocean View Estates Homeowners Ass'n, Inc. v. Montecito Water Dist. (App. 2 Dist. 2004) 10 Cal.Rptr.3d 451, 116 Cal.App.4th 396; It is inherent in meaning of word "aesthetic" that any substantial, negative effect of project on view and other features of beauty would constitute "significant" environmental impact under California Environmental Quality Act (CEQA). Quail Botanical Gardens Foundation, Inc. v. City of Encinitas (App. 4 Dist. 1994) 35 Cal.Rptr.2d 470, 29 Cal.App.4th 1597, modified on denial of rehearing.

Given the Report's determination of a number of significant and unmitigable impacts on the viewshed from level ground, the omission of elevated views from the higher elevations that surround the Project renders the Report inadequate on these grounds.

(See also, Galante Vineyards v. Monterey Peninsula Water Management Dist. (1997) 60 C.A.4th 1109, 1121, 71 C.R.2d 1 [environmental impact report was inadequate in description of project site and project's impact on viticulture; report failed to identify consequences of potential introduction of pests, discuss additional traffic and congestion impacts, or address potential climatic influences of building reservoir]. Friends of Mammoth v. Mammoth Lakes Redevelopment Agency (2000) 82 C.A.4th 511, 532, 98 C.R.2d 334 [because PRC §21090 deems all activities under redevelopment plan to be "single project," as much environmental review as possible should occur at outset of redevelopment process; town's failure to analyze indirect or secondary impacts likely to be caused by each of 72 proposed projects within redevelopment plan violated CEQA].)

VI. Analysis of Cumulative Impact

Under PRC §21083(b), the EIR must consider the project's cumulative effects on the environment. This is a new requirement, added in the legislative session of 2002. The definition of "cumulative effects" is set forth in the Code as follows:

'[C]umulatively considerable' means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.

This is a critical aspect of the report. (*Los Angeles Unified School Dist. v. Los Angeles*, supra, 58 C.A.4th 1024, 1025 [EIR was inadequate because it failed to consider cumulative impact of existing and projected traffic noise in area around two schools; cumulative impact must be considered even though noise level around schools is already beyond maximum level permitted by law]; see *Communities for a Better Environment v. California Resources Agency* (2002) 103 C.A.4th 98, 116, 126 C.R.2d 441 [invalidating numerous guidelines promulgated by Resources Agency, including several that measured *de minimis* incremental contributions to cumulative impacts and one that listed probable future projects for cumulative impact purposes]; *Santa Clarita Organization for Planning the Environment v. Los Angeles* (2003) 106 C.A.4th 715, 720, 131 C.R.2d 186 [EIR's analysis of cumulative impact of past, present, and future development on amount of water available was inadequate; EIR relied heavily on entitlements to water from incomplete state water project, rather than on amount of water that project could actually deliver]; *Association of Irrigated Residents v. Madera*, supra, 107 C.A.4th 1403 [EIR for construction and operation of dairy sufficiently discussed cumulative impacts on groundwater quality]; *Friends of the Eel River v. Sonoma County Water Agency*, supra, 108 C.A.4th 868 [EIR did not adequately analyze cumulative impact of withdrawing water from one river in combination with possible curtailment of water diversions from another river].)

The DEIR limits its analysis of cumulative impact to completed projects, projects approved but not complete, and projects currently in the review process. (DEIR 5.3-5.7). Thus, its scope is temporally myopic to phrase it elegantly; absurdly short-sighted to be a bit more direct.

The DEIR should take into consider the likely cumulative impact of the Project in decades hence as the population density continues to grow and stresses on existing resources continue to accumulate. Of course no one has a crystal ball, and we cannot predict what Marin County or its environmental picture will look like in 10, 20, 50 or 100 years. (And the CDC has no obligation to pretend that it *does*.)

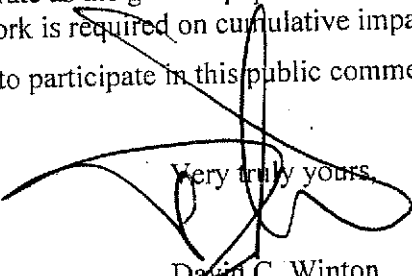
But if history is any precedent, the population isn't going to decrease, housing isn't going to get cheaper, roads aren't going to suddenly get uncongested, the air isn't going to miraculously clean itself, and the State of California probably won't continue sentencing people to die unless barred from doing so by the US Supreme Court, its own electorate or a sudden rush of common decency and common sense. As I don't hold out

Ms. Cher Daniels
California Department of Corrections
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high hopes for any of these, I can only assume that the population of California's death row will continue to grow at the same rate as the general population. This has not been considered by the Report, and more work is required on cumulative impacts.

Thank you for the opportunity to participate in this public comment process.

Very truly yours,


David C. Winton

cc: Corte Madera City Council
Larkspur City Council
Tiburon City Council
San Rafael City Council
Marin County Board of Supervisors, c/o Steve Kinsey
Jon Nation
Marin Independent Journal
San Francisco Chronicle
Edward Grammens
David Johnson

Letter 68

David Winton

November 12, 2004

68-1 The comment states that comments made by the following agencies are incorporated by reference: City of Larkspur and its agencies; City of Corte Madera and its agencies; City of San Rafael and its agencies; Marin County Board of Supervisors; and County of Marin and its agencies. This comment is acknowledged. Please refer to comment letters 6 through 11 and responses to comments raised in those letters.

68-2 The comment acknowledges that under CEQA economic and social impacts are not treated as significant environmental effects, but states that the Draft EIR should evaluate the project's economic and social issues. The comment does not specify what specific economic and social issues should be evaluated in the Draft EIR, so no response to these issues can be provided. Furthermore, Section 15131 of the State CEQA Guidelines states that the focus of an EIR's analysis should be on the physical environmental changes. Please also refer to response to comment 11-3.

68-3 The comment cites Section 21081.6 of CEQA and states that the Draft EIR does not comply with the statutory requirements for mitigation, specifically the project's visual mitigation. The comment cites Section 21081.6(b), which requires that recommended mitigation measures, upon project approval, be "fully enforceable through permit conditions, agreements, or other measures." Section 21081.6 of CEQA requires lead agencies when approving a project to adopt a mitigation monitoring and reporting program for mitigation recommended for a project. If CDC approves the project, it will first prepare a Mitigation Monitoring and Reporting Program (MMRP) for the project that identifies recommended mitigation, the entity responsible for implementing the mitigation, the entity responsible for monitoring compliance with the mitigation, time of implementation, and the duration and frequency of monitoring. The MMRP is not required to be prepared until after certification of the Final EIR and at the time approval would occur.

CDC disagrees with the comment's statement that the project's visual mitigation does not comply with CEQA. No specific issues are identified in the comment, so no further response can be provided.

68-4 The comment states that the visual impact analysis in the Draft EIR is flawed because it ignored consideration of elevated settings surrounding the project site. The comment also states that prisons are known to be used as visual beacons for pilots and if the project would be used as a visual beacon then analysis of this use should be provided.

With regard to consideration of elevated settings surrounding the project site, the visual analysis (Section 4.1 of the Draft EIR) evaluated how the project site would change views from and of hillside/ridgeline areas surrounding the project site. Specifically, the analysis considered how the project would change views of the site and of ridgeline areas from surrounding areas, including Corte Madera and Larkspur. Please refer to the impact analysis presented in Section 4.1 of the Draft EIR. Please also refer to Master Response 2.

Although comments were raised that prisons are sometimes used by private pilots for navigation, it is unknown whether SQSP is used as a navigational beacon. Regardless, the existing uses of SQSP will not change. Lighting will continue to be provided at SQSP and new lighting will be provided at the site. Use of the site as navigational beacon could continue.

- 68-5** The comment states that the Draft EIR does not provide analysis of its nonmitigable impacts. The intention of this comment is unclear and the comment does not provide specifics on how the analysis is inadequate, so no further response can be provided.

The comment also states that the significant impacts that are mitigable are not fully analyzed in compliance with Section 21081.6. Please refer to response to comment 68-3.

- 68-6** The comment implies that the Draft EIR analysis is inadequate because in “many instances” it does not consider local planning documents. CEQA requires that EIRs “discuss any inconsistencies between the proposed project and applicable general plans and regional plans.” (CEQA Guidelines Section 15125(d), emphasis added) The state owns the project and project site, and as a superior agency is not bound by local general plans and local zoning (see *Hall v City of Taft* (1952) 47 Cal.2d.177.). In short, if an agency does not have jurisdictional authority, their plans would not be applicable to CDC’s actions.

The Draft EIR discussed plans that are applicable to the project (e.g., see discussion of the Bay Conservation and Development Commission’s *Bay Plan* on pages 4.4-3 through 4.4-4; and the Regional Water Quality Control Board’s *Water Quality Control Plan* on page 4.8-4 of the Draft EIR). The Draft EIR also discussed plans from agencies with no jurisdictional authority over the project or the site, including Marin County (see discussion of the adopted *Marin Countywide Plan* on pages 4.4-4 through 4.4-5 and 4.4-9 through 4.4-10; the *2004 Draft Marin Countywide Plan* on pages 4.4-5 through 4.4-6 and 4.4-10, and the adopted *Point San Quentin Land Use Policy Report* on pages 4.4-6 and 4.4-10 of the Draft EIR), the City of Larkspur, and the City of San Rafael. The comment does not cite specific instances in which the analysis failed to accurately analyze related plans, so no further response can be provided.

- 68-7** The comment states that although CDC does not need to consider local plans and policies, the Draft EIR should consider whether the project is consistent with local plans. This comment is acknowledged. Please refer to responses to comments 9-9 and 68-6.

- 68-8** The comment states that the Draft EIR is inadequate because it does not describe CDC’s plans for SQSP in future decades. CDC intends to continue to operate SQSP for the indefinite future. CDC has no plans to close SQSP. Furthermore, plans for future use of SQSP facilities are outlined in CDC’s *Statewide Five-Year Infrastructure Plan* available for review at the Department of Corrections, 501 J Street, Sacramento, California.

The comment concludes by restating the comment regarding local plans. Please refer to response to comment 68-6.

- 68-9** The comment states that the Draft EIR does not contain a meaningful discussion of alternatives including economic, environmental, social, or legislative alternatives. Furthermore, as stated in the comment itself, “An agency need not devote itself to an extended discussion of the environmental impacts of alternatives remote from reality, such as those which are of speculative feasibility.” Please see Master Response 1.

- 68-10** The comment states that the conclusions presented in the Draft EIR are not supported with adequate reasoning and specifically references the conclusions presented in Section 2.4 of the Draft EIR. The section the comment refers to is the “Effects Found Not to be Significant” section, which was prepared in compliance with Section 15128 of the State CEQA Guidelines. Section 15128 provides that “an EIR shall contain a statement briefly indicating the reasons that various possible significant effects of a project were determined not to be significant and were therefore not discussed in detail in the EIR.” The Draft EIR identified four issues for which the project would have a less-than-significant impact. These issues were determined to be less than significant primarily because of their absence from the site (e.g., mineral resources, paleontological resources, and agricultural resources) and in one instance because the project would not provide, increase demand for, or otherwise change a resource (i.e., recreation). Sufficient information and evidence was provided to demonstrate that the project’s effect would be less than significant to these resources and, therefore, detailed discussion was not provided. The comment provides no rationale to support the contention that the EIR’s discussion of these issues is not adequate, so no further response can be provided.
- 68-11** The comment states that the project’s viewshed impacts are underanalyzed and specifically references lack of consideration of view impacts from surrounding elevated areas. Please refer to response to comment 68-4. The Draft EIR concludes that impacts to visual resources are significant and unavoidable from some vantages and less than significant from others. No evidence is provided in this comment to support a different conclusion.
- 68-12** The comment states that the cumulative analysis is short-sighted in its approach because it limits its analysis to completed projects, projects approved but not complete, and projects under review. As described on page 5-1 of the Draft EIR, the analysis of cumulative environmental impacts associated with the project addresses the potential incremental impacts of the project in combination with those of other past, present, and probable future projects and land use changes consistent with the requirements of CEQA. The Draft EIR relied on information in “Prop Dev,” a report prepared by the County as the tool to use for cumulative impact analysis in County EIRs. Also, please refer to response to comment 9-9. The comment did not provide any specific inadequacies of the cumulative analysis so no further response can be provided.